

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/501,936 Confirmation No. 7147  
Applicant(s) : SMITH et al.  
Filed : July 21, 2004  
Tech Cntr/GAU : unassigned  
Examiner : unassigned  
Entitled : Sintering Ultrahigh Molecular Weight Polyethylene  
Attorney Reference : 121939-04298105  
Customer Number : 43569

**MAIL STOP PCT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RECEIVED  
29 JUN 2006  
Legal Staff  
International Division

**PETITION TO WITHDRAW NOTIFICATION OF ABANDONMENT**

Sir:

In response to the Notification of Abandonment mailed **May 1, 2006**, a copy of which is enclosed herewith, Applicants hereby request withdrawal of the holding of abandonment.

The Notification of Abandonment was issued for failure to timely respond to the Notification of Missing Requirements, which was mailed on **October 21, 2005**.

Pursuant to 35 U.S.C 371, Applicants have a period of two months to respond to the Notification of Missing Requirements. Pursuant to 37 C.F.R. 1.136(a), "If an applicant is required to reply within a nonstatutory or shortened statutory time period, applicant may extend the time period for reply up to the earlier of the expiration of any maximum period set by statute or five months after the time period set for reply, if a petition for an extension of time and the fee set in §1.17(a) are filed." Therefore, the final date that Applicants may submit a response to the Notification of Missing Requirements is **May 21, 2006**.

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Petition dated May 19, 2006  
Page 2

No petition fee is required. However, authorization is given herein to charge the any deficiencies in the fees not specifically authorized herein, or to further credit any overpayments, to Deposit Account No. 503-121 in order to maintain the pendency of this application.

The examination and allowance of this Application is respectfully requested.

If the Commissioner should require any further information, or wish to discuss the facts or rules presented herein, please contact the undersigned at the telephone number set forth below.

Respectfully Submitted,

MAYER BROWN ROWE & MAW LLP

By: Richard A. Steinberg  
Richard A. Steinberg  
Registration No. 26,588

Paul L. Sharer  
Registration No. 36,004

Intellectual Property Group  
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(202) 263-3000 Telephone  
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Date: May 19, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
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|                             |                       |                  |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/501,936                  | Paul Smith            | 121939-04298105  |

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/IB03/00636

|                  |               |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|

01/24/2003

01/29/2002

43569  
 MAYER, BROWN, ROWE & MAW LLP  
 1909 K STREET, N.W.  
 WASHINGTON, DC 20006

CONFIRMATION NO. 7147

371

ABANDONMENT/TERMINATION  
 LETTER



\*OC000000018654748\*

Date Mailed: 05/01/2006

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 10/21/2005 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |            |  |                    |
|---|------------|--|--------------------|
| <b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b><br><b>FY 2005</b><br><i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>   |            | Docket Number (Optional)<br><b>121939-04298105</b> |                    |
| Application Number <b>10/501,936</b>  |            | Filed <b>July 21, 2004</b>                         |                    |
| For <b>Sintering Ultrahigh Molecular Weight Polyethylene</b>  |            |  |                    |
| Art Unit <b>unassigned</b>  |            | Examiner <b>unassigned</b>                         |                    |
| This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.<br>The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): |            |  |                    |
|   | <u>Fee</u> | <u>Small Entity Fee</u>                            |                    |
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1))  | \$120      | \$60   | \$ _____           |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2))   | \$450      | \$225  | \$ _____           |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3))   | \$1020     | \$510  | \$ _____           |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4))  | \$1590     | \$795  | \$ _____           |
| <input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))   | \$2160     | \$1080   | \$ <u>1,080.00</u> |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.  |            |  |                    |
| <input type="checkbox"/> A check in the amount of the fee is enclosed.  |            |  |                    |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.   |            |  |                    |
| <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.  |            |  |                    |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>503-121</u> . I have enclosed a duplicate copy of this sheet.                     |            |  |                    |
| <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>   |            |  |                    |
| I am the <input type="checkbox"/> applicant/inventor.   |            |  |                    |
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.<br>Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).  |            |  |                    |
| <input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>26,588</u>  |            |  |                    |
| <input type="checkbox"/> attorney or agent under 37 CFR 1.34.<br>Registration number if acting under 37 CFR 1.34 _____  |            |  |                    |
| <u>Richard A. Steinberg</u><br>Signature  |            | <u>May 19, 2006</u><br>Date                        |                    |
| <u>Richard A. Steinberg</u><br>Typed or printed name  |            | <u>(202) 263-3325</u><br>Telephone Number          |                    |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.   |            |  |                    |
| <input type="checkbox"/> Total of _____ forms are submitted.  |            |  |                    |

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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7/3/2007

J. A. Inhor

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|           |  |   |
|-----------|--|---|
| Applicant | Smith et al.   | ) |
| App No.   | 10/501,936   | ) |
| Filed     | July 21, 2004  | ) |
| For       | SINTERING ULTRAHIGH<br>MOLECULAR WEIGHT<br>POLETHYLENE | ) |
| Examiner  | Unknown  | ) |

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee") A copy of the original assignment is provided herewith This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

As of the execution date of the Assignment or the execution date set forth below, whichever is later, the undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute

App. No. : 10/501,936  
Filed : July 21, 2004

this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications

PLUS OTHOPEDICS AG

Dated: 19.04.07

By 

Title: CEO

Address: Erlenstrasse 4b  
CH-6343 Rotkreuz, Switzerland

PA-73

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